

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
MAY 14, 2013**

MAYOR'S STATEMENT: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Annual Meeting Notice of December 31, 2012 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

SALUTE TO THE FLAG

ROLL CALL

Mayor	Ronald Dobies
Council President:	Ron DiMura
	Kevin Dotey
	Sean Kaplan
	Patricia Jenkins
	Bob Schueler
	Michele Tackach

Attorney:	Aravind Aithal
-----------	----------------

APPOINTMENTS

Mayor Dobies appointed David Oliver to be a member of the Appeal Panel for the Criminal Background Checks for volunteer coaches seconded by Councilman DiMura and carried by a unanimous vote of Council.

PROCLAMATION

The Borough Clerk read the following Proclamation:

**Proclamation
Police Week & Peace Officers Memorial Day**

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them again

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the Middlesex Borough Police Department play an essential role in safeguarding the rights and freedoms of the citizens of Middlesex Borough; and

st violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the Middlesex Borough Police Department has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

NOW, THEREFORE, I Mayor Ronald S. Dobies, call upon the citizens of Middlesex Borough and upon patriotic, civil, and educational organizations to observe the week of May 12 through May 17, 2013, as Police Week in which all of our citizens may join commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon the citizens of Middlesex Borough to observe Wednesday, May 15, 2013 as Peace Officers Memorial Day in honor of all officers who, by their courageous deeds, have lost their lives or have become disabled in the performance of duty.

The Borough Clerk read the following Proclamation:

Proclamation

WHEREAS, May, 2013 has been designated National Older Americans Month; and

WHEREAS, the Director of the Office on Aging has designated "Older Americans: Unleash the Power of Age" as the theme for Older Americans Month; and

WHEREAS, Middlesex Borough recognizes the value and contributions of our older citizens.

NOW THEREFORE, I, RONALD S. DOBIES, Mayor of the Borough of Middlesex, hereby proclaim May, 2013 to be Older Americans Month and urge citizens of this community to honor and celebrate this special event.

PUBLIC HEARINGS-NONE

NEW BUSINESS

The Borough Clerk read Ordinance No. 1828-13 for introduction.

ORDINANCE NO. 1828-13

AN ORDINANCE ESTABLISHING THE BOROUGH OF MIDDLESEX ALLIANCE COMMITTEE ON ALCOHOLISM AND DRUG ABUSE

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX
THAT:**

ARTICLE 1 - NAME

The name of this organization shall be the Middlesex Borough Municipal Alliance Committee.

ARTICLE 2 - AUTHORIZATION

As authorized by the Governing Body of the Borough of Middlesex through a resolution, this group shall serve as the Alliance of the above said municipality in accord with P.L. 1989, C.51.

ARTICLE 3 – PURPOSE & FUNCTION

In accord with P.L. 1989, C.51 (C.26:2BB-8), the Middlesex Borough Municipal Alliance Committee on Alcoholism and Drug Abuse purpose is:

- a. Organize and coordinate efforts involving school, law enforcement, business and community groups for purpose of reducing alcoholism, drug abuse and crime.
- b. Develop comprehensive alcoholism and drug abuse education, out reach and support efforts for parents.
- c. Develop a comprehensive alcoholism and drug abuse community awareness program.
- d. Develop a community watch program.
- e. Develop and submit a plan for the expenditure of funds derived from the "Drug Enforcement and Demand Reduction Fund" pursuant to N.J.S. 2c-35-15.

ARTICLE 4 – MEMBERSHIP

Membership on the Municipal Alliance Committee shall be appointed by the Municipal Alliance Chairperson, and shall include but not necessarily be limited to representatives of the following groups:

Section 1 – Membership

- a. Council Member
- b. Police Officer
- c. Municipal Employee
- d. Representative of local religious groups
- e. Youth representative
- f. At least two residents of the Borough of Middlesex

Section 2 – Requirements

- a. Members shall be legal residents within Middlesex Borough.
- b. A quorum of 8 is necessary to conduct an Alliance meeting. The majority of the quorum is required for a decision making vote.
- c. Any member employed by or on the governing board of an agency which has an interest or may potentially profit from a particular Municipal Plan, shall advise the Alliance Committee of such interest and may refrain from voting on that individual Municipal Plan.

ARTICLE 5 – FUNCTIONS

The functions of the Municipal Alliance Committee shall be:

- a. To create a network of community leaders, private citizens, and representatives from public and private human service agencies who are dedicated to promoting and supporting alcohol and other drug and crime prevention and education programs.
- b. To conduct an assessment of community wide needs pertaining to Alcohol and other drug abuse issues.
- c. To identify existing efforts and services acting to reduce alcohol and other drug abuse.
- d. To assist in the development of programs at the Municipal level that accomplishes the purpose of the Alliance efforts.
- e. To assist the municipality in acquiring funds for Alliance programs.
- f. To cooperate with the Governor's Council on Alcoholism and Drug Abuse, as well as the County Alliance Committee to provide data, reports, or other information that may be needed to assist in the Alliance effort.

ARTICLE 6 – MEETINGS

Meetings shall be held as the schedule is adopted as the last meeting of the calendar year, each year, which will include the time and place of the meeting. Quorum shall consist of one-third (8 members) of its current membership. All meetings shall be open to the public and conducted in accordance with the New Jersey Open Public Meeting Act. All official actions shall be in the form of motions, duly seconded, and carried by a majority of the membership present, provided as quorum is present. Robert's Rule of Order shall be followed unless herein modified regarding all meetings.

ARTICLE 7 - FUNDING

The Alliance shall develop a comprehensive plan to provide matching funds at least equivalent to the amount of monies received from DEDR funds. These matching funds shall be a minimum of 25% cash and in-kind services. All decisions of the MACADA involving the use and expenditure of funds require a vote of a simple majority of members of the Alliance.

ARTICLE 8 – VOTING PROCEDURES AND ADOPTION

All decisions require a quorum to be present; a quorum being defined herein as at least one-third 1/3; 8 members, of the appointment membership. Each appointed member of the Alliance shall have one (1) vote.

ARTICLE 9 – CONFLICT OF INTEREST

A conflict of interest may exist if a MAC member can reasonably expect that his or her conduct will directly result in a financial benefit to him or herself, his or her family members, his or her business associates, his or her employers, or to businesses that the member represents. In situation where a conflict of interest may exist, the MAC member must recuse him or herself. All Municipal Alliance Committees must have their members sign conflict of interest statements annually to be made available for review by the county and/or GCADA.

Recusal means that the individual is not participating in deliberations or debates, making recommendations, giving advice, considering findings, voting or in any other way assuming responsibility for or participating in any aspect of the decision making regarding the matter, where there are potential conflicts of interest.

Consultants or providers who are directly or indirectly involved in providing prevention services to the municipal Alliance are subject to the recusal requirements.

ARTICLE 10 – AMENDMENT

All proposed amendments or proposed changes to the mission statement shall be presented to the Alliance one (1) month prior to the formal voting meeting. All decisions on amendments or changes to the mission statement require a majority vote of the attending voting membership.

The mission statement was duly adopted with a majority vote and with the issuance of Borough Resolution dated March 13, 1990. Revised Borough Resolution #50-13, dated January 22, 2013.

Council President DiMura made a motion for introduction seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1829-13 for introduction.

ORDINANCE NO. 1829-13

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING THE CODES OF THE BOROUGH OF MIDDLESEX TO CREATE CHAPTER 320, LANDLORD REGISTRATION

WHEREAS, the Borough Council of the Borough of Middlesex desires to create Chapter 320, Landlord Registration, of the Codes of the Borough of Middlesex, New Jersey.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex, in the County of Middlesex, State of New Jersey, as follows:

SECTION ONE. Chapter 320 of the Codes of the Borough of Middlesex, New Jersey is hereby created to read as follows:

320-1 Registration and License Application

- a. A registration and license application must be completed for each dwelling unit within the Borough available for rent to tenants. Without infringing upon the requirements of N.J.S.A. 46:8-28, all dwelling units within the Borough available for rent to tenants shall be registered and licensed as provided herein. Every owner shall file with the Zoning Officer or his/her designee a registration form for each individual unit contained within a dwelling available or offered for rent or currently rented. Every owner of any dwelling unit available for rent to tenants (or currently rented) shall be responsible for registering and licensing as provided herein, including any renewals, amendments or updates without any further notice from the Borough.
- b. Every owner is required to provide each occupant or tenant occupying a rental unit with a copy of the completed registration form.

- c. Upon the filing of a completed registration form, payment of the prescribed fee, and, if deemed necessary in the judgment of the Zoning Officer or his/her designee, a satisfactory inspection, the owner shall be entitled to the issuance of a license commencing on the date of issuance and expiring on the anniversary of the commencement date or September 1st, whichever should occur first in time. Any lease which has been executed prior to the adoption of this Ordinance shall not be affected, but the rental unit must nevertheless be registered, inspected and licensed in accordance with this Ordinance. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this Ordinance. A registration form shall be required for each rental unit, and a license shall be issued to the owner for each rental unit, even if more than one (1) rental unit is contained within the property.
- d. Every person required to file a registration form pursuant to this Ordinance, shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership or tenancy of the premises is changed.
- e. Each rental unit may be subject to an inspection hereunder upon notice. The Borough of Middlesex Construction Office will contact the owner of the rental unit to schedule an inspection. The owner and/or occupant is required to give the inspecting officer free access to the rental facility at all reasonable times for the purpose of such inspection.
- f. No person shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit which is not registered and licensed.

320-2 Periodic Inspections

- a. Periodic Inspections: Each rental unit shall conform with all applicable codes, laws, regulations and/or ordinances. Periodic inspections may, in the judgment of the Borough of Middlesex Construction Office, be conducted upon notice to the owner for the purpose of determining Zoning Ordinance compliance, and to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Building Code and the Uniform Fire Safety Act or any other applicable codes, laws, regulations and/or ordinances. Upon compliance, the Construction Official shall cause to be issued a certificate of occupancy pursuant to Chapter 158 of the Code of the Borough of Middlesex.

320-3 Fees

- 1. Fees:
 - (i) An annual registration fee of \$50.00 dollars;
 - (ii) A second Re-inspection fee of \$50.00 dollars;
 - (iii) There shall be no fee if the owner of the property is:

1. A Senior Citizen who resides in a unit of the property and rents the remaining unit and would qualify for a State of New Jersey property Tax Deduction under N.J.S.A. 54:4-8.41; or
2. A bona fide, full-time resident of a unit in the same building, so long as there are no more than two (2) residential units in such building.

(iv) If any fee is not paid within thirty (30) days of its due date, a late fee surcharge of \$30.00 will be assessed for each calendar month or any part thereof following the due date of such fee.

320-4 Violations & Penalties

- a. In the event that the inspection(s) of a rental unit indicates the need for maintenance and/or repairs, such property shall not thereafter be registered, nor shall a license be issued, and the owner of the property, or his agent, shall not lease or rent such property, nor shall any tenant occupy the property until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable Code(s), laws, regulations and/or ordinances and the property is thereafter subsequently re-inspected, approved, registered and licensed. In the event that such property is occupied when such conditions are discovered, all such corrections shall be made within thirty (30) days, and if not made within that time period, the owner shall be deemed in violation of this Ordinance and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of section 320-4 (c) of this Ordinance.
- b. No license will be issued for any property containing a rental unit unless all Municipal taxes, water and sewer charges and any other Municipal assessments are paid on a current basis.
- c. Any person who violates any of the provisions of this ordinance, in addition to any another penalty that may be assessed, shall upon conviction thereof, pay a fine of not less than \$200.00, up to \$2,000.00, or imprisonment for any term, not exceeding 90 days, or a period of community service not exceeding 90 days, for the violation thereof.

SECTION TWO. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION THREE. This Ordinance shall take effect immediately upon final passage and publication according to law. Upon enactment of this Ordinance, every owner required to complete a registration hereunder shall file such registration form(s) and pay the prescribed fee on or before September 2, 2013. Thereafter, every owner required to complete a registration hereunder shall file such registration form(s) on or before the first Monday in September, notwithstanding any requirement hereunder to file an amended registration form.

Councilman Schueler made a motion for introduction seconded by Councilwoman Tackach and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

ADOPTION OF MINUTES

Council President DiMura moved the approval of the April 23, 2013 Regular Meeting Minutes and Executive Session Meeting Minutes seconded by Councilman Schueler and carried by a unanimous vote of Council.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - (a) Councilman DiMura requested that the Council liaison's reach out to their departments heads to be sure that they have put everything that they want in the capital budget. Recommendations are needed by next meeting.
 - (b) Councilman DiMura moved the approval of the April, 2013 Finance Report seconded by Councilman Kaplan and carried by a unanimous vote of Council.
 - (c) Nuisance Ordinance – Council President DiMura discussed this ordinance with Construction Official and Police Chief and all calls will go directly to the Police Department. When Construction Official is working he will enforce this ordinance, and if not the police will enforce. This will be put on the website for all residents.
 - (d) Advertisement for Administrator's Position – Council President recommended some changes to the Administrator's Advertisement. Borough Clerk will advertise by Monday, May 20th.
2. Recreation/Recreation Fields/Water & Light
 - (a) Councilman Dotey stated that 300 residents have signed up for the Pool at this time.
 - (b) Councilman Doty stated that 80 people have signed up to participate in the 100th Anniversary Race
3. Fire/OEM/Board of Health/Rescue Squad – Nothing to Report
4. Public Works/Parks/Sanitation/Recycling – Nothing to Report
5. Police/Legal/Code Enforcement/Municipal Court
 - (a) Councilwoman Tackach moved the approval of the March, 2013 Police Department Report seconded by Councilman Schueler and carried by a unanimous vote of Council.
6. Administration/Office on Aging/Legislation/License/Buildings & Grounds
 - (a) TNR Health Department – Councilman Schueler got a report from the Health Department that the Committee came back with ideas and information from other municipalities and the Committee was very positive that this is something that can be done. We are awaiting the proposed model ordinance and then the Borough Attorney will review.
 - (b) Personnel Policy – Input was received from Councilwoman Jenkins and this will be revisited in July.

REPORTS

Mayor

1. NJDOT Municipal Aid Program for Fairview Avenue – Borough received a \$300,000 grant for this road.
2. Basement Storage – The borough has received a quote to clean up the mold in the basement storage for approximately \$2,800.
3. Fit Test – Discussed this with the labor attorney and she confirmed how this is handled in the borough.
4. Master Plan – Mayor Dobies directed the Clerk to send a letter to the Chairman of the Planning and Zoning Board that we accept the Master Plan. Council President DiMura made a motion to accept the Master Plan seconded by Councilman Schueler and carried by a unanimous vote of Council.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Consent Agenda 2012(m)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex is desirous of removing Resolution #145-13 and Resolution 148-13 from this Agenda.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #133-13 – Resolution #144-13
Resolution #146-13 – Resolution #147-13

Councilman Schueler made a motion for approval, seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #133-13

The Mayor and Council hereby accept Corporal Brian Marsh's retirement effective May 1, 2013 and agreed to reimburse him the amount of \$58,857.97 for the following benefits.

32 Unused Vacation Days	\$ 12,246.40
423 Hours Compensation Time	\$ 20,236.32
Uniform Allowance	\$ 1,500.00

Terminal Leave (3 months)	\$ 24,875.25
---------------------------	--------------

TOTAL	\$ 58,857.97
-------	--------------

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #134-13

WHEREAS, the residents of the 200 block of Fairview Avenue have requested to have a block party on June 15, 2013 between the hours of 11 a.m. and 11 p.m.; and

WHEREAS, all the designated officials have given approval for this block party.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

1. The Governing Body hereby grants approval to the residents of the 200 block of Fairview Avenue, to conduct a block party on June 15, 2013 between the hours of 11 a.m. and 11 p.m.
2. This resolution shall take effect immediately.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #135-13

Authorizing the Mayor and Borough Clerk to execute the Office of Aging & Disabled Services Grant Agreement with the County of Middlesex for Assisted Transportation and Information & Assistance effective January 1, 2013 – December 31, 2013.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #136-13

Authorizing the Mayor to execute the Potential Historic Pesticide Contamination Certification Form for the Borough of Middlesex Flood-Prone Property Mitigation.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #137-13

WHEREAS, bids were received April 25, 2013 for Janitorial/Cleaning Services;

WHEREAS, there were seven bids received, the three lowest are listed below:

Quality Cleaning Service, LLC 574-B Union Avenue Bridgewater, NJ 08807	\$26,900.00
Neat Cleaning Services 1137 W 8 th Street South Plainfield, NJ 07080	\$14,490.00 Statutory Requirements not met
Pure Cleaning Service 706 High Street Perth Amboy, NJ 08861	\$25,020.00

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that:

1. Based upon the recommendation of the Purchasing Agent, the governing body hereby awards the bid for Janitorial/Cleaning Services to Pure Cleaning Service in the amount of \$25,020.00 for a two year contract beginning May 15, 2013 and ending May 14, 2015.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$25,020.00 are available in Account No. 01-2010-25-3102-105.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #138-13

WHEREAS, quotes were solicited on April 19, 2013 for Fireworks to celebrate the 100th Anniversary;

WHEREAS, there was one quote received which is listed below:

Garden State Fireworks PO Box 403 Millington, NJ 07946	\$25,000.00
Bay Fireworks Pyro Engineering, Inc. 999 South Oyster Bay Road, Suite 111 Bethpage, NY 11714	non responsive
Schafer Pyrotechnics 376 Hartman Bridge Road	no quote received

Ronks, PA 17572-9513

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that:

1. Based upon the recommendation of the Purchasing Agent, the governing body hereby awards the quote for the fireworks to Garden State Fireworks in the amount of \$25,000.00.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$25,000.00 are available in Account No. 01-2010-30-4200-138.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #139-13

The Tax Collector is hereby authorized to issue a check in the amount of \$40,859.46 to redeem tax sale certificate #2009-1734, Block 301, Lot 35, 529 Cook Avenue. The check is to be made payable to:

Sequoia Investments
PO Box 5600
Woodbridge, NJ 07095

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #140-13

The Tax Collector is hereby authorized to issue a check in the amount of \$32,591.46 to redeem tax sale certificate #2010-1743 and tax sale premium in the amount of \$3,500, Block 314, Lot 63, 662 Voorhees Avenue, check is to be made payable to:

US Bank Cust Pro Capital I LLC
2 Liberty Place
50 South 16th Street – Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #141-13

WHEREAS, bids were received May 3, 2013 for replacement of the rooftop chiller on the administration building;

WHEREAS, there were three bids received, which are listed below:

Sander Mechanical Service 55 Columbia Road Branchburg, NJ 08876	\$42,475.00
---	-------------

Burlew Mechanical LLC 484 South Pine Avenue South Amboy, NJ 08879	\$42,534.00
---	-------------

Kelin, Inc. 15 Columbia Avenue Colonia, NJ 07067	\$46,750.00
--	-------------

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that:

1. Based upon the recommendation of the Purchasing Agent, the governing body hereby awards the bid for replacement of the rooftop chiller to Sander Mechanical Service in the amount of \$42,475.00.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$42,475.00 are available in Account No. 04-1818-00-1818-83.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #142-13

Approving that the DPW hire 4 temporary employees for 90 days at \$12.00 per hour.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #143-13

WHEREAS, the residents of 342 of Fairview Avenue have requested to have a block party on Osceola Avenue between Fairview Avenue & Clinton Avenue on May 26, 2013 between the hours of 2 p.m. and 11 p.m.; and

WHEREAS, all the designated officials have given approval for this block party.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

1. The Governing Body hereby grants approval to the residents of 342 Fairview Avenue, to conduct a block party on Osceola Avenue between Fairview Avenue & Clinton Avenue on May 26, 2013 between the hours of 2 p.m. and 11 p.m.
2. This resolution shall take effect immediately.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #144-13

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF
ONE DELL C1765 MULTIFUNCTION PRINTER FOR DETECTIVE BUREAU**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase (1) One Dell C1764 Multifunction Printer from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Dell is under State Contract No. 70137 for the year 2013; and

WHEREAS, the cost for the purchase of the printer is not to exceed \$258.99; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of the printer is ordered under State Contract No. 70137 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$258.99 are available in Account No. 01-2010-20-1401-057.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #146-13

WHEREAS, the Administration Committee has revised certain sections to the Personnel Policy; and

WHEREAS, the liaison to the Administration Committee had brought to the council at the April 23, 2013 Meeting the changes that were recommended.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

- (a) The governing body hereby adopts the personnel policy as revised.
- (b) This resolution shall take effect immediately.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #147-13

The Tax Collector is hereby authorized to issue a check in the amount of \$980.41 to redeem tax sale certificate #2012-1784 and a check in the amount of \$400 for a tax sale premium, Block 32, Lot 2, 100 Main Street, check is to be made payable to:

FWDSL & Associates LP
5 Cold Hill Rd South #11
Mendham, NJ 07945

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #145-13

Hiring David A. Sliker, Certified Recycling Professional Coordinator to provide the services and assistance for both the general recycling requirements as well as compliance issues as they may pertain to non-residential generators within the boundaries of Middlesex, NJ. Mr. Sliker will also submit the municipal Recycling Tonnage Report to the NJDEP. All services performed by Mr. Sliker be done for \$2,300.00.

Council President DiMura made a motion for approval, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #148-13

WHEREAS, James Tolomeo has been employed in the DPW since November 23, 1982; and

WHEREAS, James Tolomeo has been injured at work and collecting work Worker's Compensation since April 13, 2012; and

WHEREAS, James Tolomeo has agreed to apply for disability retirement as he is unable to return to work; and

WHEREAS, in consideration for his resignation and disability retirement application the Borough will pay James Tolomeo a portion of his accrued vacation and personal days for 2013, and

WHEREAS, James Tolomeo shall be paid \$4,837.56, which represents 65% of his vacation and personal days after a credit is given to the Borough for having paid 35% during the time he has been out of work; and

WHEREAS, that amount will be paid in lieu of regular pay for 5.62 pay periods through and including July 1, 2013.

NOW FURTHER BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. The governing body hereby agrees to the terms of this Memorandum of Agreement for James Tolomeo.
2. This Agreement cannot be used as evidence of custom and practice for any other employee.
3. This resolution shall take effect immediately.

Council President DiMura made a motion for approval, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #149-13

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

Including the following Confirming Orders:

PO 53372	Air Power International, Inc	\$26.26
PO 53377	MJM Truck Repair & Maintenance	\$278.82
PO 53354	On Site Fleet Service	\$106.73
PV 70	Foster & Company, Inc	\$18.05
PO 53219	NJ Emergency Vehicles	\$717.50

Council President DiMura made a motion for approval, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

DISCUSSION ON AGENDA WORKSHOP ITEMS

1. June 25, 2013 Regular Public Meeting – Council agreed to cancel this meeting.
2. Changes to the Administrator Ordinance – Council President DiMura suggested that the ordinance be amended to reflect the process how the candidates are interviewed and hired. This amendment will be introduced at the May 28, 2013 Regular Meeting.

3. Stream Cleaning – Mayor Dobies mentioned that this cleaning can't be done until the end of June because of DEP regulations. Councilman Kaplan mentioned that the program that was put together was geared to using professionals, but feels that we need a combination of DPW employees and Predator Tree Service. A lead person will be appointed. At this time Predator can take the trees down that are already on the ground before you approach the stream. The priority is to work on the Cap Lane Area, and Fifth, Sixth and Seventh Street. Mayor Dobies will get price from Predator to remove trees and get together with the DPW to organize and move forward.

PUBLIC COMMENTS

Mayor Dobies opened the Public Portion of the meeting for any comments.

Dave Oliver, 216 Ashland Road thanked the governing body for the job done on the basketball and tennis courts. Also, he discussed the traffic patterns and safety problems at Watchung School and requested the police and governing body look to see what could be done to correct these problems.

John Erickson, 209 Second Street discussed the stream cleaning and his concern of the water pooling on Cap Lane. He suggested that the borough reach out to the Mosquito Commission to see if they can come out before July 1.

Mayor Dobies addressed all the other issues that were discussed in the public.

Seeing that there was no further public comment, Mayor Dobies closed the public portion of the meeting.

The Borough Clerk read the following resolution:

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that:

Resolution #150-13

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

- A. Litigation – Sadat Associates
- B. Administrative Assistant's Salary – Clerk's Office

Councilwoman Tackach made a motion for approval, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Members DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

Council President DiMura moved to reconvene the Regular Meeting seconded by Councilman Schueler and carried by a unanimous vote of Council.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #151-13

Increasing the hours of Darcy Delvecchio, Administrative Assistant in the Clerk's Office to 28 hours per week at \$12.86 per hour effective June 3, 2013.

Councilman DiMura made a motion for approval, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Members DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

ADJOURNMENT

Council President DiMura made a motion to adjourn the Regular Meeting seconded by Councilman Kaplan and carried by unanimous vote of members present.

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

